

3189. Misbranding of Green Dragon liniment. U. S. v. 144 Bottles, etc. (F. D. C. No. 27877. Sample No. 48351-K.)

LIBEL FILED: September 26, 1949, Middle District of Pennsylvania; amended libel filed, February 1, 1950.

ALLEGED SHIPMENT: On or about September 10, 15, 19, and 20, 1949, from Cincinnati, Ohio, by the Green Dragon Medicine Co.

PRODUCT: 144 2-ounce bottles, and 6 cases, each containing 72 2-ounce bottles, of *Green Dragon liniment* at Lebanon, Pa. The libel was amended to cover goods actually seized, i. e., 48 bottles, and 20 cases, each containing 72 bottles.

RESULTS OF INVESTIGATION: This product was represented by Al Stofel, salesman for the distributor, the Green Dragon Medicine Co., during lectures delivered by him at the Allentown Fairgrounds on September 21, 1949, to be effective for stomach pains, rheumatic pains, arthritic pains, catarrh, and hay fever, and as a cure for any human pain in one to three minutes.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended.

DISPOSITION: June 12, 1950. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

3190. Action to enjoin and restrain the interstate shipment of Acidofilac. U. S. v. Helen A. Walters (Radiance Products Co.). Consent decree granting injunction. (Inj. No. 220.)

COMPLAINT FILED: Between December 1, 1949, and January 26, 1950, Southern District of California, against Helen A. Walters, an individual, and as administratrix of the estate of William R. Walters, doing business under the name, Radiance Products Co., Los Angeles, California.

NATURE OF CHARGE: The defendant had been and was at the time of filing the complaint introducing and delivering for introduction into interstate commerce at Los Angeles, Calif., consignments of a drug designated as "Acidofilac," which was a culture of lactic acid-forming organisms and which was adulterated and misbranded in the following respects:

Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess since it was represented to possess a count of seven billion eight-hundred million viable *acidophilus* bacteria in each fluid ounce, whereas the article contained substantially less viable *acidophilus* bacteria in each fluid ounce.

Misbranding, Section 502 (a), the statements in the accompanying leaflet entitled "Acidofilac A vitalized pure aciduric bacterial milk food" represented and suggested that the use of the article would result in the prolongation of life; in outwitting middle age; and in keeping the system free from putrefactive bacteria and toxic poisons, resulting in the prolongation of the vigorous period of life; and that the article was useful in the treatment of certain stomach disorders, which statements were false and misleading since the article was not capable of fulfilling such promises of benefit. In addition,

* See also No. 3200.